

# Enforcement of the Water Quality Act

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# Who We Are

The Enforcement Division is tasked with enforcing the environmental laws and rules of Montana

9 EES that enforce 16 different program areas.

Each EES is assigned to Primary and Secondary Media.

Responsible for Duty Officer program that provides 24 hour coverage for response to large events across the state.

Exxon-Mobil, Bridger Pipeline and Yellowstone Club

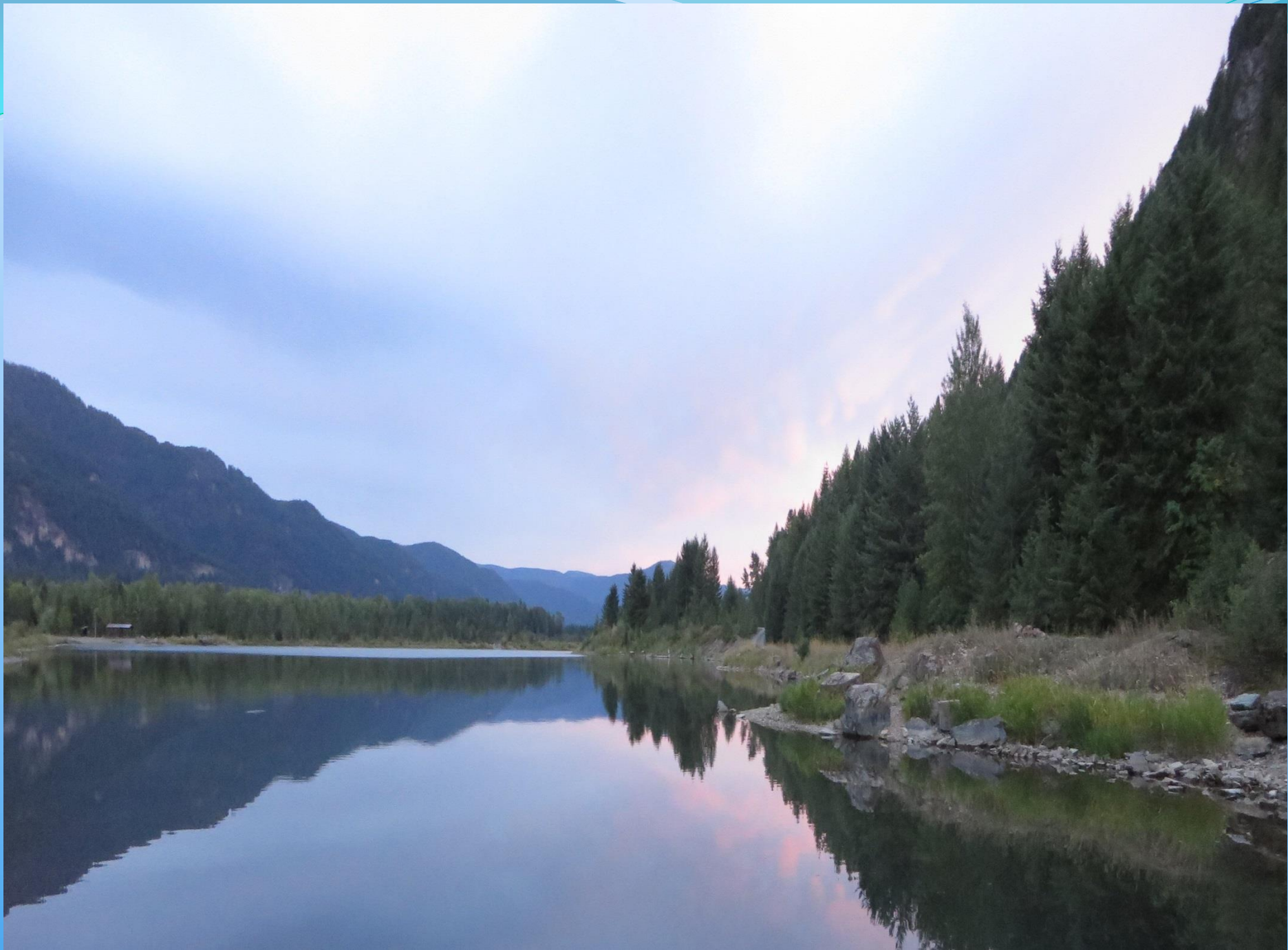
# Complaints

Respond to Citizen or other Agency Complaints

Provide Assistance to achieve Compliance

# Complaints

- In the past 5 years:
  - 4,594 complaints responded to
  - 844 were water related
    - Permits, CAFO's, Municipal Waste Water, Sewage and Spills and Water Quality
    - 208 Active complaints, 49 are Water related



# Cases

- In the past 5 years:
  - 492 Cases (Formal Enforcement Action)
  - 97 of those are WQA related
  - 35 Active Cases

# Cases

- Take Formal Enforcement Action against Responsible Parties
  - Issue Orders
  - Require Corrective Actions
  - Calculate Penalties
  - Negotiate Settlements

# Penalties

- In the last 5 years:
  - Calculated \$1,336,773
  - Assessed \$1,172,268
  - Settlement \$1,892,319

# Negotiate Settlements

- Suspend portion of penalty pending completion of corrective actions
- Other Matters as Justice May Require
  - Amount necessary to provide a deterrent
- Supplemental Environmental Projects (SEP)
  - Must benefit community not Responsible Party

# Exxon-Mobil Silvertip Spill

- Exxon Silver Tip Pipeline Spill
  - \$1,300,000
    - Yellowstone River Sub-Area Contingency Plan and Spill Response Equipment Staging Plan
    - Gas Leak Detection Infrared Camera and Operator Training
    - Huntley Dam Fish Passage Rehabilitation
    - Yellowstone River Channel Migration Easement Program Grant

# Bridger Pipeline and Yellowstone Club

- Bridger Pipeline
  - Penalty amount has been agreed upon.
    - Will include cash and SEP
    - Working on final AOC Language
- Yellowstone Club
  - Will be close to a year before AOC is in place.

# Recent Happenings

- “Pre-emptive” AOC’s
- Focus on Stormwater
  - Conducting Construction Activities Prior to submitting a Notice of Intent
  - Harm or Administrative Violations
  - Legislation to reduce penalties in some instances.
- Future Focus on CAFO’s

# Legislation

## 75-5-611(9)(d) MCA

A person who commits a violation that adversely affects the department's administration of this chapter, a rule adopted pursuant to this chapter, or a condition of a permit or authorization issued under this chapter but does not harm or have the potential to harm human health, the environment, or the department's ability to protect human health or the environment may not be assessed a penalty of more than \$500 for each day of the violation, not to exceed \$5,000 for all days of the same violation.



# Questions?

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